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5 Attorney for Defendant
6 GEORGE VORTMAN

7
8 UNITED STATES DISTRICT COURT
9
NORTHERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,) CR No. 3:16-cr-00210-WHA
11 Plaintiff,) STIPULATION AND [PROPOSED] ORDER
12 v.) CONTINUING CHANGE OF PLEA HEARING
13) AS TO DEFENDANT GEORGE VORTMAN
14 GEORGE VORTMAN,) AS MODIFIED
15)
Defendant.)

16

17 Defendant GEORGE VORTMAN, by and through his counsel
18 undersigned, and the United States of America, through Assistant
19 United States Attorney JEROME MAYER-CANTU, hereby stipulate and
respectfully request that the Court vacate the Change of Plea
20 hearing in the above-captioned case, currently set for Tuesday,
21 September 19, 2017, at 02:00 p.m., and reset it for Tuesday,
22 October 10, 2017, at 02:00 p.m.

23 This is the parties' second request to continue the Change of
24 Plea hearing as to Defendant Vortman after the case was reassigned
25 to the HONORABLE WILLIAM H. ALSUP on Monday, August 14, 2017. The
26 parties previously requested to continue the Change of Plea
27 hearing one time on July 17, 2017, when the case was assigned to
28 the HONORABLE THELTON E. HENDERSON. The parties last appeared

1 before the HONORABLE THELTON E. HENDERSON on Monday, May 22, 2017,
2 at which time the Defendant was present.

3 On Friday, August 11, 2017, the government provided defense
4 counsel with a draft plea agreement. This request to continue the
5 Change of Plea hearing is made in order to allow counsel to
6 finalize the terms of the plea agreement and in order for defense
7 counsel to review the proposed plea agreement with the Defendant
8 once finalized.

9 Based on the above-stated reasons, the parties further
10 stipulate and agree that the time between Tuesday, September 19,
11 2017 and Tuesday, October ¹⁰~~24~~, 2017, should be excluded from
12 computation of the time for commencement of trial under the Speedy
13 Trial Act and that the ends of justice are served by the Court
14 excluding such time in order to allow Defense Counsel the
15 reasonable time necessary for effective preparation, taking into
16 account the exercise of due diligence, and continuity of counsel.
17 18 U.S.C. § 3161 (h) (7) (A) and (B) (iv).

18 "Plea negotiations and the time from when a defendant states
19 that he will plead guilty until the time the guilty plea is
20 entered is excludable under the [Speedy Trial Act]." United
21 States. v. Bowers, 834 F.2d 607, 609-10 (6th Cir. 1987); see also
22 United States v. Montoya, 827 F.2d 143, 150 (7th Cir. 1987) ("The
23 plea bargaining process also can qualify as one of many 'other
24 proceedings' under the generic exclusion of section 3161(h)(1).").

25 For these reasons, the Defendant, Defense Counsel, and the
26 Government stipulate and agree that the interests of justice are
27 served by vacating the Change of Plea hearing currently set for
28

1 Tuesday, September 19, 2017, and resetting it for Tuesday, October
2 10, 2017, at 2:00 p.m., outweigh the best interests of the public
3 and the Defendant in a speedy trial. 18 U.S.C. § 3161 (h) (7) (B)
4 (iv); 18 U.S.C. § 3161 (h) (7) (B) (ii).

5 **IT IS SO STIPULATED.**

6
7 Respectfully submitted,

8 DATED: September 13, 2017

9
10 /s/ RJB
11 ROBERT J. BELES,
12 Attorney for GEORGE VORTMAN

13 DATED: September 13, 2017

14 /s/ JMC
15 JEROME MAYER-CANTU,
16 Assistant U.S. Attorney

17 BRIAN STRETCH
18 UNITED STATES ATTORNEY

19 **IT IS SO ORDERED.**

20 DATED: September 14, 2017

21
22 
23 HON. WILLIAM H. ALSUP
24 UNITED STATES DISTRICT JUDGE